IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

CRP.No. 975 of 2006()

EP 326/05 IN OS 577/01 OF MUNSIFF COURT, NORTH PARAVUR

REVN. PETITIONER/JUDGMENT DEBTORS 1 & 2:

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1. C.P. HARI, S/O.R. PARAMESWARAN NAIR,
   CHAKKATHARA HOUSE, VAYAL KARA,
   KUNNUKARA VILLAGE, KUNNUKARA P.O.

2. PARAMESWARAN NAIR, S/O.RAMAN NAIR,
   CHAKKATHARA HOUSE, VAYAL KARA,
   KUNNUKARA VILLAGE, KUNNUKARA P.O.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: DECREE HOLDER:

THE CATHOLIC SYRIAN BANK LTD.,
AYIROOR BRANCH, KUNNUKARA,
REPRESENTED BY ITS MANAGER.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO. 3433/06 IN CRP 975/06

DISMISSED

24/1/2007

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

SHW to Judge.

M.SASIDHARAN NAMBIAR,J.

C.R.P .NO. 975 OF 2006

Dated 24th January 2007

O R D E R

Petitioners are judgment debtors 1 and 2 in O.S.577/01 on the file of Munsiff court, North Paravur. Respondent is the decree holder. For realisation of the decree debt respondent filed E.P.326/2005 seeking arrest and detention of petitioners. As per order dated 14/7/2006 executing court directed arrest of petitioners which is challenged in this petition filed under Section 115 of Code of Civil Procedure.

2. Learned counsel appearing for petitioners and respondent were heard.

3. Learned counsel appearing for petitioners submitted that they may be permitted to pay the entire decree debt in ten equal monthly instalments. Learned counsel appearing for decree holder was also heard. Considering the fact that respondent is a bank, in the interest of justice, petitioners are permitted to pay the balance decree debt in ten equal monthly

instalments.

4. Revision petition is disposed quashing the order dated 14/7/2006 and permitting petitioners to pay the entire balance decree debt in ten equal monthly instalments starting from 14/2/2007. If petitioners commit default in payment of two consecutive instalments executing court is to order their arrest.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.